

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

TREVA L. ROSS,

Plaintiff,

v.

**CIVIL ACTION NO.: 3:14-CV-60
(JUDGE GROH)**

**CAROLYN W. COLVIN,
Acting Commissioner of Social Security,**

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before the Court for consideration of the Report and Recommendation of United States Magistrate Judge Robert W. Trumble. Pursuant to this Court's Local Rules, this action was referred to Magistrate Judge Trumble for submission of a proposed report and a recommendation ("R & R"). Magistrate Judge Trumble filed his R & R on November 5, 2014. ECF 15. In the R&R, Magistrate Judge Trumble recommends that this Court dismiss this case with prejudice as untimely filed.

Pursuant to 28 U.S.C. § 636(b)(1)(c), this Court is required to make a *de novo* review of those portions of the magistrate judge's findings to which objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. Thomas v. Arn, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo* review and the Plaintiff's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); United States v. Schronce, 727 F.2d 91,

94 (4th Cir. 1984).

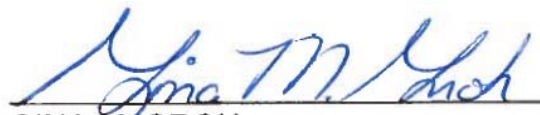
Objections to Magistrate Judge Trumble's R & R were due within fourteen (14) days of being served with a copy of the same, pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). The Plaintiff accepted service of the R & R on December 13, 2014.¹ She has not filed objections to the R & R. Accordingly, this Court will review the R & R for clear error.

Upon review of the report and recommendation, it is the opinion of this Court that the Report and Recommendation should be, and is, hereby **ORDERED ADOPTED**. For the reasons more fully stated in the Report and Recommendation, this Court **ORDERS** that the Commissioner's Motion to Dismiss is **GRANTED**. Accordingly, this Court **ORDERS** that this matter be **DISMISSED WITH PREJUDICE** and that it be **STRICKEN FROM THE DOCKET OF THIS COURT**. The Clerk is **DIRECTED** to enter judgment in favor of the Commissioner.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record and *pro se* parties.

DATED: January 7, 2015


GINA M. GROH
UNITED STATES DISTRICT JUDGE

¹ The R & R was sent to the Plaintiff via certified mail, return receipt requested. Entering the tracking number for the return receipt on the United States Postal Service's website reveals that the Plaintiff received the R & R on December 13, 2014. A copy of the web page is attached to this Order.

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DATE & TIME	STATUS OF ITEM	LOCATION
December 13, 2014 , 10 42 am	Delivered	WHEELING, WV 26003
Your item was delivered at 10:42 am on December 13, 2014 in WHEELING, WV 26003.		
December 13, 2014 , 10:08 am	Sorting Complete	CONFLUENCE, PA 15424
December 13, 2014 , 3 53 am	Arrived at Unit	CONFLUENCE, PA 15424
December 12, 2014 , 11:25 pm	Departed USPS Facility	PITTSBURGH, PA 15290
December 12, 2014 , 7 08 pm	Arrived at USPS Facility	PITTSBURGH, PA 15290
December 12, 2014 , 12:03 am	Departed USPS Facility	BALTIMORE, MD 21233
December 11, 2014 , 10:42 pm	Arrived at USPS Facility	BALTIMORE, MD 21233

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